

AMENDED IN ASSEMBLY AUGUST 28, 2000  
AMENDED IN ASSEMBLY SEPTEMBER 10, 1999  
AMENDED IN ASSEMBLY AUGUST 24, 1999  
AMENDED IN ASSEMBLY JULY 15, 1999

**SENATE BILL**

**No. 698**

**Introduced by Senator Peace**  
(Coauthor: Assembly Member Granlund)

February 24, 1999

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An act to amend Section 4850 of, to add Sections 4850.1 and 4850.2 to, and to add and repeal Section 9566 of, the Vehicle Code, relating to vehicles, and making an appropriation therefor. 1 of Chapter 700 of the Statutes of 1911, and to authorize an exchange of public trust lands within the former Naval Training Center, San Diego, relating to trust property.

LEGISLATIVE COUNSEL'S DIGEST

SB 698, as amended, Peace. ~~License plates: registration~~  
*Conveyance of property: San Diego Unified Port District: City of San Diego.*

*Existing law authorizes the establishment of the San Diego Unified Port District for the acquisition, construction, maintenance, operation, development, and regulation of harbor works and improvements for the harbor of San Diego and for the promotion of commerce, navigation, fisheries, and recreation. Existing law specifies the territory to be included within the district.*

*This bill would authorize the State Lands Commission to carry out an exchange of public trust lands within the Naval Training Center, San Diego, and require the commission to establish appropriate procedures for effectuating the exchange. The bill would authorize the commission, among other things, to receive and accept on behalf of the state any lands or interest in lands conveyed to the state by the San Diego Unified Port District or the City of San Diego, to convey to the San Diego Unified Port District or to the City of San Diego all of the right, title, and interest of the state in lands that are to be free of the public trust upon completion of the exchange of lands, and to convey to the San Diego Unified Port District or the City of San Diego all of the right, title, and interest of the state in lands that are to be subject to the public trust upon the completion of the exchange of lands.*

~~(1) Existing law requires the Department of Motor Vehicles, upon registering a vehicle, to issue to the owner 2 partially or fully reflectorized license plates or devices for the motor vehicle, other than a motorcycle, and one partially or fully reflectorized license plate or device for all other vehicles required to be registered under the Vehicle Code.~~

~~This bill would require the department to issue 2 newly designed and fully reflectorized license plates for each motor vehicle, other than a motorcycle, and one newly designed and fully reflectorized license plate for all other vehicles.~~

~~The bill would, with specified exceptions, prohibit a person, after January 1, 2005, from driving, moving, or allowing to be left standing upon a highway, or in an offstreet parking facility, as defined, any vehicle that does not properly display these newly designed plates.~~

~~The bill would prohibit the Prison Industry Board, as the department's vendor, from accepting any bid for the reflectorized materials necessary to manufacture license plates unless the bidder submits a bid, subject to a specified bid procedure, that provides for the repayment of a specified appropriation to be made entirely from the fees collected by the department from the issuance of the license plates which fees are in excess of the department's estimate of the amount of fees that would have been collected without the enactment of this bill, and would require any eligible bid to provide that~~

~~if the excess fees are insufficient to repay the amount of the appropriation by January 1, 2010, the bidder will repay the appropriation to the Motor Vehicle Account in the State Transportation Fund.~~

~~The bill would require the department, in consultation with the Department of Finance, to report to the Legislature each year, as specified.~~

~~The bill would require the department to establish an amnesty period of one year, commencing on July 1, 2000, to June 30, 2001, inclusive, during which period any vehicle required to be registered under the Vehicle Code may be registered without payment of any delinquent penalty if the registration renewal fee was required to be paid prior to September 1, 1999. The department would be required to prepare and disseminate a public information program on this amnesty period. These provisions would be repealed on January 1, 2002.~~

~~(2) The bill would set forth legislative findings and declarations.~~

~~(3) Because it would be a crime to violate the license plate provision, the bill would impose a state-mandated local program by creating a new crime.~~

~~(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~(5) The bill would appropriate \$275,429 from the Motor Vehicle Account in the State Transportation Fund to the Department of Motor Vehicles for purposes of the bill.~~

~~Vote: majority. Appropriation: yes no. Fiscal committee: yes. State-mandated local program: yes no.~~

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. The Legislature finds and declares all of~~  
2     ~~SECTION 1. Section 1 of Chapter 700 of the Statutes~~  
3     ~~of 1911 is amended to read:~~

1 Section 1. (a) There is hereby granted and conveyed  
2 to the City of San Diego, in the county of San Diego, State  
3 of California, all the lands situate on the City of San Diego  
4 side of said bay, lying and being between the line of mean  
5 high tide and the pierhead line in said bay, as the same has  
6 been or, may hereafter be established by the federal  
7 government, and between the prolongation into the bay  
8 of San Diego to the pier head line of the boundary line  
9 between the City of San Diego and National City, and the  
10 prolongation into the bay of San Diego to the pierhead  
11 line of the northerly line of the United States military  
12 reservation on Point Loma.

13 (b) *There is hereby granted to the City of San Diego*  
14 *(hereafter 'city'), a municipal corporation of the State of*  
15 *California, and to its successors, all the right, title, and*  
16 *interest of the State of California, held by the state by*  
17 *virtue of its sovereignty, in and to all the tide and*  
18 *submerged lands, whether filled or unfilled, within the*  
19 *present boundaries of the city, and situated below the*  
20 *historical line of mean high tide of the Pacific Ocean, or*  
21 *of any harbor, estuary, bay, or inlet within said*  
22 *boundaries, except as the Legislature has previously*  
23 *conveyed those lands to other entities, and except as to*  
24 *lands that the city has previously conveyed to other*  
25 *entities, (such as the San Diego Unified Port District by*  
26 *Conveyance filed for record February 1963, in Series 4,*  
27 *Book 1963, page 28389).*

28 (c) *The city shall be the public trust administrator for*  
29 *all lands granted to it pursuant to this section (hereinafter*  
30 *"granted lands"), and may use, conduct, operate,*  
31 *maintain, manage, administer, regulate, improve, lease,*  
32 *and control those lands and do all things necessary in*  
33 *connection with those lands that are in conformance with*  
34 *the terms of this section and the public trust for*  
35 *commerce, navigation, and fisheries, except as to any of*  
36 *the lands that are freed of the public trust by exchange*  
37 *agreements authorized by statute.*

38 (d) *The city, or its successors, shall not at any time*  
39 *grant, convey, give, or alienate the granted lands, or any*  
40 *part of them, to any individual, firm, or corporation for*

1 any purpose whatever, except as provided in this section  
2 or otherwise provided by statute, and except as to any  
3 lands freed of the public trust by exchange agreements  
4 authorized by statute. This subdivision shall not be  
5 construed to prohibit the conveyance of any lands within  
6 the former Naval Training Center, San Diego, including  
7 lands previously granted to the city and subsequently  
8 transferred to the United States, to the San Diego Unified  
9 Port District (‘port’) by the city.

10 (e) Notwithstanding the foregoing restriction on  
11 alienation, the city, or its successors, may grant franchises,  
12 permits, privileges, licenses, easements, or leasehold  
13 interests (collectively referred to as “leases” hereafter) in  
14 connection with those lands, or any part of those lands, for  
15 limited periods, for purposes consistent with the trusts  
16 upon which the lands are held by the State of California  
17 and this grant, for a term not exceeding 66 years, and on  
18 other terms and conditions that the city may determine,  
19 including a right to terminate the same on the terms,  
20 reservations, and conditions that may be stipulated in the  
21 lease or leases, with reversion to the city on the  
22 termination of the lease or leases of any and all  
23 improvements thereon, provided that any terms,  
24 reservations, and conditions must be consistent with the  
25 public trust and this section. All such leases may include  
26 reservations for streets, sewer outlets, gas and oil mains,  
27 hydrants, electric cables and wires, and other municipal  
28 purposes and uses as may be deemed necessary by the  
29 city, upon compensation being made for the injury and  
30 damage done to any improvement or structure thereon.

31 (f) All moneys collected by the city arising out of the  
32 use or operation of any of the granted lands that shall  
33 remain in the public trust, including all revenues derived  
34 from leases or other rights to use or occupy the lands, shall  
35 be deposited into a special fund maintained by the city.  
36 The money in, or belonging to, the fund may be used only  
37 for uses and purposes consistent with the public trust for  
38 navigation, commerce, and fisheries, and the  
39 requirements of this section.

1 (g) *The State of California shall have, at all times, the*  
2 *right, together with the city if there be no lessee or*  
3 *licensee, or together with the lesser or licensee, if there*  
4 *be a lessee or licensee, to use, without charge, all wharves,*  
5 *docks, piers, slips, quays, or other improvements*  
6 *constructed on the granted lands or any part thereof, for*  
7 *any vessel or other watercraft, or railroad, owned or*  
8 *operated by the State of California.*

9 (h) *No discrimination in rates, tolls, or charges for use*  
10 *or in facilities for any use or service in connection with*  
11 *wharves, docks, piers, slips, or quays or property operated*  
12 *by the city, or property leased, the use of which is*  
13 *dedicated by the lessee or licensee for a public use, shall*  
14 *ever be made, authorized, or permitted.*

15 (i) *There is hereby reserved in the people of the State*  
16 *of California the right to fish in the waters on which the*  
17 *lands may front with the right of convenient access to*  
18 *those waters over the lands for that purpose, the*  
19 *enjoyment of access and right to fish to be regulated by*  
20 *ordinance of the city, so as not to interfere, obstruct,*  
21 *retard, or limit the right of navigation or the rights of*  
22 *lessees or licensees under lease or license given.*

23 (j) *Nothing in this section shall impair or affect any*  
24 *rights or obligations arising from leases conferring the*  
25 *right to use, occupy, or conduct operations upon or within*  
26 *the granted lands, provided the leases were lawfully*  
27 *entered into, consistent with any applicable public trust*  
28 *or other restrictions on use, prior to the effective date of*  
29 *the act amending this section.*

30 SEC. 2. *Sections 1 to 10, inclusive, of this act shall be*  
31 *known, and may be cited, as the Naval Training Center*  
32 *San Diego Public Trust Exchange Act.*

33 SEC. 3. *For purposes of this act, the following*  
34 *definitions apply unless the context requires otherwise.*

35 (a) *“City” means the City of San Diego.*

36 (b) *“City granting act” means Chapter 700 of the*  
37 *Statutes of 1911, as amended by Chapter 676 of the*  
38 *Statutes of 1915, Chapter 598 of the Statutes of 1917,*  
39 *Chapter 642 of the Statutes of 1929, and Chapter 693 of the*  
40 *Statutes of 1945.*

(c) "Commission" means the State Lands Commission.

(d) "NTC Property" means those parcels of land lying in the City of San Diego, County of San Diego, State of California, being a portion of that area commonly known as Naval Training Center, San Diego, and more particularly described as follows in paragraphs (1) and (2):

(1) Parcel One: a parcel of land referred to as the "City NTC Property" described as follows:

PARCEL ONE  
CITY NTC PROPERTY

A parcel of land referred to as the "City NTC Property" being Parcels 1 through 16 and 18 in the County of San Diego, City of San Diego, State of California, all as shown on Record of Survey No. 16556 filed in the Office of the County Recorder of said San Diego on April 25, 2000 as File No. 2000-210625 of Official Records, being more particularly described as follows:

Beginning at the most Northwesterly terminus of that certain line shown as "North 54°15'14" West 1087.60 feet" on the Northerly line of said Record of Survey 16556; thence along the Northerly, Easterly and Southerly lines of said Record of Survey 16556 the following courses: South 54°15'14" East 1087.60 feet; thence North 35°45'46" East 0.37 feet; thence South 15°38'02" East 1934.29 feet; thence South 07°30'30" West 412.55 feet; thence South 41°37'23" West 482.21 feet; thence South 82°29'30" East 270.45 feet; thence South 07°30'30" West 1505.26 feet; thence North 82°35'20" West 8.27 feet; thence South 07°33'09" West 287.95 feet; thence South 82°17'51" East 275.38 feet; thence South 83°48'36" West 212.78 feet; thence South 07°30'41" West 226.44 feet; thence South 83°48'36" West 61.91 feet; thence North 07°30'29" East 32.25 feet; thence North 81°55'00" West 25.84 feet; thence South 41°11'00" West 22.90 feet; thence South 18°02'00" East 22.68 feet; thence North 83°48'36" East 29.60 feet, thence South 07°30'30" West 205.86 feet, thence South

1 83°48'36" West 1292.59 feet to the beginning of a tangent  
2 3900.00 foot radius curve concave Southeasterly; thence  
3 Southwesterly along the arc of said curve through a  
4 central angle of 24°16'43" a distance of 1652.59 feet; thence  
5 South 59°31'53" West 698.21 feet; thence North 11°24'16"  
6 West 48.41 feet; thence North 30°28'07" West 4.25 feet;  
7 thence South 59°31'53" West 145.32 feet to the beginning  
8 of a tangent 950.00 foot radius curve concave  
9 Northwesterly; thence Southwesterly along the arc of said  
10 curve through a central angle of 05°45'44" a distance of  
11 95.54 feet; thence North 53°45'35" West 176.88 feet to the  
12 Northwesterly line of said Parcel 16, said point being the  
13 beginning of a nontangent 800.00 foot radius curve  
14 concave Northwesterly, to which a radial line bears South  
15 18°32'33" East; thence leaving the Southerly line of said  
16 Record of Survey 16556, Northeasterly along the arc of  
17 said curve through a central angle of 11°55'34" a distance  
18 of 166.52 feet; thence continuing along the Northwesterly  
19 line of said Parcel 16, North 59°31'53" East 827.72 feet to  
20 the beginning of a tangent 4100.00 foot radius curve  
21 concave Southeasterly; thence Northeasterly along the  
22 arc of said curve through a central angle of 00°44'31" a  
23 distance of 53.087 feet to the most Southerly point of said  
24 Parcel 12; thence leaving said Parcel 16, along the  
25 Westerly line of said Parcel 12, North 30°28'07" West 98.45  
26 feet to the beginning of a tangent 266.00 foot radius curve  
27 concave Easterly; thence Northerly along the arc of said  
28 curve through a central angle of 66°44'13" a distance of  
29 309.83 feet; thence North 36°16'06" East 43.44 feet to the  
30 beginning of a tangent 334.00 foot radius curve concave  
31 Northwesterly; thence Northeasterly along the arc of said  
32 curve through a central angle of 18°30'28" a distance of  
33 107.89 feet; thence North 36°16'00" East 1307.97 feet to the  
34 Southerly line of said Parcel 6, thence leaving the  
35 Westerly line of said Parcel 12 along said Southerly line of  
36 said Parcel 6, North 53°43'30" West 375.81 feet to the  
37 Southeasterly line of said Parcel 14; thence leaving the  
38 Southerly line of said Parcel 6, along said Southeasterly  
39 line of said Parcel 14; South 36°18'40" West 1080.03 feet;  
40 thence North 53°43'54" West 1427.91 feet to the



1 *Northwesterly line of said Record of Survey 16556; thence*  
2 *along said North Westerly line of said Record of Survey*  
3 *North 36°16'06" East 5287.89 feet to the beginning of a*  
4 *tangent 37.00 foot radius curve concave Southerly; thence*  
5 *Easterly along the arc of said curve through a central*  
6 *angle of 89°28'40" a distance of 57.78 feet to the Point of*  
7 *Beginning.*

8 (2) *Parcel Two: a parcel of land referred to as the "Port*  
9 *Expansion Area" described as follows:*

10  
11 *PARCEL 2*  
12 *PORT EXPANSION AREA*  
13

14 *A parcel of land referred to as the "Port Expansion*  
15 *Area" and described as follows:*

16 *Commencing at a 6" x 6" concrete monument at the*  
17 *intersection of the easterly boundary of the U.S. Naval*  
18 *Training Center and the northerly line of North Harbor*  
19 *Drive as shown on Record of Survey 15213, filed in the*  
20 *Office of the County Recorder of San Diego County, June*  
21 *14, 1996; said monument also being an angle point on the*  
22 *boundary between the United States Navy Land and the*  
23 *San Diego Unified Port District as shown on*  
24 *Miscellaneous Map No. 564 filed in the Office of the San*  
25 *Diego County Recorder May 28, 1976; thence leaving said*  
26 *monument and running northerly along said common*  
27 *boundary line between United States Navy Land and the*  
28 *San Diego Unified Port District North 7°30'04" East a*  
29 *distance of 298.75 feet to the TRUE POINT OF*  
30 *BEGINNING; thence leaving said boundary line North*  
31 *81°41'44" West a distance of 169.89 feet; thence North*  
32 *62°33'09" West a distance of 75.63 feet; thence North*  
33 *79°05'39" West a distance of 50.13 feet; thence South*  
34 *22°25'15" West a distance of 29.68 feet; to the beginning*  
35 *of a curve concave to the south having a radius of 585.00*  
36 *feet; thence westerly along the arc of said curve through*  
37 *a central angle of 45°37'20" an arc distance of 465.81 feet;*  
38 *thence tangentially South 73°58'52" West a distance of*  
39 *53.50 feet; thence South 12°35'43" East a distance of 78.72*  
40 *feet; thence South 74°40'40" West a distance of 69.00 feet;*

1 thence South 27°37'00" East a distance of 96.48 feet;  
2 thence South 12°25'55" East a distance of 36.79 feet to a  
3 point on the northerly line of an easement granted to the  
4 City of San Diego, recorded November 7, 1962, as File No.  
5 191492 OR and shown said Record of Survey Map No.  
6 15213; thence along said line South 83°48'36" West a  
7 distance of 173.78 to a point of the boundary of that 1.936  
8 acres parcel shown on Record of Survey No. 15789 filed  
9 in the Office of the County Recorder of San Diego  
10 County, April 17, 1998; thence along said boundary North  
11 7°17'01" East a distance of 285.12 feet; thence North  
12 82°35'20" West a distance of 283.26 feet to that certain line  
13 shown as North 7°30'30" East a distance of 3,103.29 feet on  
14 sheet six of said Record of Survey No. 15213; thence  
15 leaving the northerly line of said Record of Survey No.  
16 15789 and along said line of Record of Survey 15213 North  
17 7°30'30" East a distance of 1,505.26 feet to an angle point  
18 on the boundary of said Record of Survey 15213; thence  
19 along said boundary South 82°29'30" East a distance of  
20 85.00 feet; thence North 39°16'25" East a distance of 740.24  
21 feet; thence South 73°29'30" East a distance of 407.08 feet;  
22 thence South 16°30'30" West a distance of 411.60 feet;  
23 thence 411.60 feet; thence South 73°29'30" East a distance  
24 of 415.51 feet to a point on the above described common  
25 boundary line between the United States Navy and the  
26 San Diego Unified Port District; thence along said  
27 boundary line South 7°30'04" West a distance of 1,604.11  
28 feet to the TRUE POINT OF BEGINNING.

29 Courses referred to in the above descriptions are based  
30 upon the California Coordinate System, Zone 6 (N.A.D.  
31 83).

32 (e) "Port" means the San Diego Unified Port District.

33 (f) "Port granting act" means Chapter 67 of the  
34 Statutes of 1962, as amended.

35 (g) "Public trust" or "trust" means the common-law  
36 and constitutional public trust for commerce, navigation  
37 and fisheries.

38 SEC. 4. The Legislature hereby finds and declares as  
39 follows:

1 (a) The purpose of this act is to facilitate the  
 2 productive reuse of the lands comprising the former  
 3 Naval Training Center, San Diego in a manner that will  
 4 promote economic development in the City of San Diego  
 5 and enhance water-related recreational opportunities in  
 6 a manner that will further the purposes of the public trust  
 7 for commerce, navigation, and fisheries. To effectuate  
 8 these purposes, this act approves, and authorizes the  
 9 commission to carry out, an exchange of lands under  
 10 which certain nontrust lands on the NTC Property with  
 11 substantial value for the public trust would be placed into  
 12 the public trust, and certain other lands presently subject  
 13 to the public trust or asserted to be, but in any event no  
 14 longer useful for trust purposes, would be freed from trust  
 15 restrictions. This act also delegates to the port and to the  
 16 city, as specified herein, the responsibility of  
 17 administering the public trust on lands within the NTC  
 18 Property.

19 (b) In 1911, the state granted to the City of San Diego  
 20 the tide and submerged lands within San Diego Bay,  
 21 “situate on the city of San Diego side of said bay,” lying  
 22 between the mean high tide line and the pierhead line,  
 23 in trust for purposes of commerce, navigation, and  
 24 fisheries and subject to the terms and conditions specified  
 25 in that act. Section 3 of this 1911 grant prohibited the  
 26 alienation of the granted lands. In 1913, by Chapter 250  
 27 of the Statutes of 1913, the Legislature authorized cities  
 28 to convey tide and submerged lands to the United States  
 29 “for public purposes.”

30 (c) In 1929, Chapter 642 of the Statutes of 1929  
 31 amended the 1911 grant to the City of San Diego by  
 32 declaring that all areas shoreward of the bulkhead line as  
 33 then established had ceased to be tidelands and were  
 34 freed of all trusts and restrictions on those lands, except  
 35 the restriction against alienation. The meaning and legal  
 36 impact of Chapter 642 of the Statutes of 1929 remain  
 37 subjects of uncertainty and disagreement. In the same  
 38 year, the Legislature passed another act authorizing the  
 39 grant of tide or submerged lands to the United States for  
 40 public or governmental purposes, and confirmed all

1 grants of tide and submerged lands that had been  
2 previously made.

3 (d) Beginning in 1916, the city made several transfers  
4 of portions of the granted lands to the United States for  
5 purposes of constructing and operating what came to be  
6 known as the Naval Training Center, San Diego. The city  
7 in 1916 conveyed 56 acres of land to the United States  
8 lying waterward of the historic mean high tide line and  
9 extending to the bulkhead line. An additional 76 acres of  
10 tidelands lying waterward of the historic mean high tide  
11 line and extending to the bulkhead line were conveyed  
12 in 1919 to the United States. Then, in 1933, the city  
13 conveyed to the United States 95 acres lying waterward  
14 of the bulkhead line and extending to the pierhead line.  
15 Most of the transferred tide and submerged lands were  
16 subsequently filled and reclaimed by the Navy in  
17 furtherance of its plan for development of the Naval  
18 Training Center. The Navy filled an additional 135 acres  
19 of submerged lands lying waterward of the pierhead line  
20 in developing NTC San Diego.

21 (e) The Navy also acquired and developed substantial  
22 acreage for NTC San Diego that were historically  
23 uplands, never property of the State of California in its  
24 sovereign capacity, and thus not subject to the public  
25 trust.

26 (f) In 1993, the Defense Base Closure and  
27 Realignment Commission recommended closure of the  
28 Naval Training Center, San Diego under the Defense  
29 Base Closure and Realignment Act of 1990, and the center  
30 was closed operationally in April, 1997. As authorized by  
31 federal law, the Navy is in the process of transferring  
32 certain portions of the NTC Property under a no-cost  
33 economic development conveyance and two public  
34 benefit conveyances to the city, the local reuse authority  
35 for the NTC San Diego. The port expansion area will be  
36 conveyed to the San Diego Unified Port District by a  
37 public benefit conveyance. All former and existing tide  
38 and submerged lands on the NTC Property for which the  
39 public trust has not been extinguished through the  
40 completion of the exchange this chapter authorizes will

1 *be subject to the public trust upon their release from*  
2 *federal ownership.*

3 *(g) The existing configuration of trust and nontrust*  
4 *lands on the NTC Property is such that the purposes of the*  
5 *public trust cannot be fully realized, and is the subject of*  
6 *dispute between the city and the state. That is because*  
7 *certain filled and reclaimed tidelands on the NTC*  
8 *Property have been cut off from access to navigable*  
9 *waters and are no longer needed or required for the*  
10 *promotion of the public trust, or any of the purposes set*  
11 *forth in the city granting act. Other lands on the NTC*  
12 *Property directly adjacent to the waterfront or otherwise*  
13 *of high value to the public trust are currently either*  
14 *public trust lands or in dispute as to their public trust*  
15 *status. Absent a trust exchange, substantial portions of the*  
16 *waterfront on the NTC Property would be subject to*  
17 *uncertainty regarding their public trust status and could*  
18 *be cut off from public access, while certain nonwaterfront*  
19 *lands not useful for trust purposes would be restricted to*  
20 *trust-consistent uses.*

21 *(h) A trust exchange that results in the configuration*  
22 *of trust lands substantially similar to that depicted on the*  
23 *diagram in Section 9 maximizes the overall benefits to the*  
24 *trust, without interfering with trust uses or purposes, and*  
25 *resolves legal uncertainties, to the benefit of the public*  
26 *trust. Following the exchange, all lands within the NTC*  
27 *Property adjacent to the waterfront will be subject to the*  
28 *public trust, together with the port expansion area, which*  
29 *shall be used for purposes permitted by the port granting*  
30 *act. The lands that will be removed from the trust*  
31 *pursuant to the exchange have been cut off from*  
32 *navigable waters, constitute a relatively small portion of*  
33 *the granted lands, and are no longer needed or required*  
34 *for the promotion of the public trust. The commission*  
35 *shall ensure that the lands or interests added to the trust*  
36 *pursuant to the exchange are of equal or greater value*  
37 *than the lands or interests taken out of the trust.*

38 *(i) The reuse of public trust lands on former military*  
39 *bases presents a number of challenges not normally*  
40 *confronted in the public trust administration of active*

1 waterfronts, including the remediation of hazardous  
2 wastes on some bases and the presence of buildings that  
3 were constructed on former tidelands during the period  
4 of federal ownership, when the public trust was  
5 effectively in abeyance. In the case of NTC Property,  
6 there is one building that falls into this category, the child  
7 care center, which will be on public trust property at the  
8 completion of the exchange. The child care center was  
9 built by the Navy for nontrust purposes, and has a  
10 remaining useful life. The child care center will lie on  
11 lands that will be subject to the public trust following the  
12 exchange authorized by this act, and the conversion of the  
13 lands underlying the child care center to trust uses should  
14 proceed in a manner that will enable the people of this  
15 state to benefit from the substantial public investments  
16 made in the buildings without hindering the overall goal  
17 of preserving the public trust.

18 (j) The completion of the trust exchange authorized  
19 by this act will have numerous benefits to the public trust.  
20 Among them are the creation of a wide corridor of public  
21 trust land along the northern side of the boat channel,  
22 which is planned to be developed as a public park; the  
23 confirmation as public trust land of sites for possible  
24 development of hotels; and the establishment as public  
25 trust lands of land necessary for the expansion of the San  
26 Diego Airport, together with a public access corridor  
27 along the southern side of the boat channel.

28 SEC. 5. (a) The Legislature hereby approves an  
29 exchange of public trust lands within the NTC Property,  
30 whereby certain public trust lands that are not now useful  
31 for public trust purposes are freed of the public trust and  
32 certain other lands that are not now public trust lands, or  
33 are subject to uncertainty as to their trust status, and that  
34 are useful for public trust purposes are made subject to  
35 the public trust, resulting in a configuration of trust lands  
36 that is substantially similar to that shown on the diagram  
37 in Section 9, provided the exchange complies with the  
38 requirements of this act. The exchange is consistent with  
39 and furthers the purposes of the public trust and the city  
40 granting act and the port granting act.

1     ***(b) The commission is authorized to carry out an***  
2 *exchange of public trust lands within the NTC Property,*  
3 *in accordance with the requirements of this act. Pursuant*  
4 *to this authority, the commission shall establish*  
5 *appropriate procedures for effectuating the exchange.*  
6 *The procedures shall include procedures for ensuring*  
7 *that lands are not exchanged into the trust until any*  
8 *necessary hazardous material remediation for those lands*  
9 *has been completed, and may include, if appropriate,*  
10 *procedures for completing the exchange in phases.*

11     ***(c) The precise boundaries of the lands to be taken out***  
12 *of the trust and the lands to be put into the trust pursuant*  
13 *to the exchange shall be determined by the commission.*  
14 *The commission shall not approve the exchange of any*  
15 *trust lands unless and until all of the following occur:*

16     ***(1) The commission finds that the configuration of***  
17 *trust lands on the NTC Property upon completion of the*  
18 *exchange will not differ significantly from the*  
19 *configuration shown on the diagram in Section 9, and*  
20 *includes all lands presently subject to tidal action within*  
21 *the NTC Property.*

22     ***(2) The commission finds that, with respect to the***  
23 *trust exchange as finally configured, the economic value*  
24 *of the lands that are to be exchanged into the trust, as*  
25 *phased, is equal to or greater than the value of the lands*  
26 *to be exchanged out of the trust. The commission may*  
27 *give economic value to the port expansion area*  
28 *confirmed as public trust lands as provided in subdivision*  
29 *(h).*

30     ***(3) The commission finds that, with respect to the***  
31 *trust exchange as finally configured and phased, the lands*  
32 *to be taken out of the trust have been filled and*  
33 *reclaimed, are cut off from access to navigable waters, are*  
34 *no longer needed or required for the promotion of the*  
35 *public trust, and constitute a relatively small portion of*  
36 *the lands originally granted to the city, and that the*  
37 *exchange will not result in substantial interference with*  
38 *trust uses and purposes.*

39     ***(4) The exchange is approved by the entity or entities***  
40 *that, under the provisions of the city granting act, the port*

1 granting act, and this act, would be responsible for  
2 administering the public trust with respect to the lands to  
3 be exchanged into the trust, and any such lands will be  
4 accepted by such entity or entities subject to the public  
5 trust and the requirements of the city granting act or port  
6 granting act, as applicable.

7 (d) The exchange authorized by this act is subject to  
8 any additional conditions that the commission  
9 determines are necessary for the protection of the public  
10 trust. At a minimum, the commission shall establish  
11 conditions to ensure both of the following:

12 (1) Streets and other transportation facilities located  
13 on trust lands are designed to be compatible with the  
14 public trust.

15 (2) Lands are not exchanged, or confirmed, into the  
16 trust until any necessary hazardous materials  
17 remediation for those lands has been completed.

18 (e) All former or existing tide or submerged lands  
19 within the NTC Property for which the public trust has  
20 not been terminated pursuant to the exchange  
21 authorized by this act, and any lands exchanged or  
22 confirmed into the trust pursuant to this act, shall be held,  
23 whether by the port or by the city, subject to the public  
24 trust and the requirements of the city granting act as  
25 public trust lands within the city NTC Property, or the  
26 port granting act, as to the land within the port expansion  
27 area. In addition, notwithstanding the provisions of the  
28 city granting act, during any period in which lands  
29 confirmed to the city as lands subject to the city granting  
30 act are held by the Redevelopment Agency of the City of  
31 San Diego rather than the city, the Redevelopment  
32 Agency shall be the public trust administrator for the  
33 lands, and shall have the same powers and be subject to  
34 the same requirements as would the city under the  
35 granting act.

36 (f) Any lands exchanged out of the trust pursuant to  
37 this act shall be deemed free of the public trust and the  
38 requirements of the city granting act.

1 (g) For purposes of effectuating the exchange  
2 authorized by this act, the commission may do all of the  
3 following:

4 (1) Receive and accept on behalf of the state any lands  
5 or interest in lands conveyed to the state by the port or  
6 the city, including lands that are now and that will remain  
7 subject to the public trust.

8 (2) Convey to the city or port by patent all of the right,  
9 title, and interest of the state in lands that are to be free  
10 of the public trust upon completion of an exchange of  
11 lands as authorized by this act and as approved by the  
12 commission.

13 (3) Convey to the city or port by patent all of the right,  
14 title, and interest of the state in lands that are to be subject  
15 to the public trust and the terms of this act and the  
16 granting act upon completion of an exchange of lands as  
17 authorized by this act and as approved by the  
18 commission, subject to the terms, conditions, and  
19 reservations that the commission may determine are  
20 necessary to meet the requirements of subdivisions (d)  
21 and (e).

22 (h) To achieve the configuration of public trust lands  
23 shown in the diagram in Section 10, the port,  
24 simultaneous with or following its receipt of the port  
25 expansion area, shall confirm its title as tide and  
26 submerged lands subject to the port granting act by  
27 agreement with the commission. The port and the  
28 commission may make conveyances between themselves  
29 to establish the title to the port expansion area as public  
30 trust lands subject to the port granting act.

31 (i) In any case where the state, pursuant to this act,  
32 conveys filled tidelands and submerged lands transferred  
33 to the city pursuant to Chapter 700 of the Statutes of 1911,  
34 as amended, the state shall reserve all minerals and all  
35 mineral rights in the lands of every kind and character  
36 now known to exist or hereafter discovered, including,  
37 but not limited to, oil and gas and rights thereto, together  
38 with the sole, exclusive, and perpetual right to explore  
39 for, remove, and dispose of those minerals by any means  
40 or methods suitable to the state or to its successors and

1 assignees, except that, notwithstanding Chapter 700 of  
2 the Statutes of 1911, as amended, or Section 6401 of the  
3 Public Resources Code, the reservations shall not include  
4 the right of the state or its successors or assignees in  
5 connection with any mineral exploration, removal, or  
6 disposal activity, to do either of the following:

7 (1) Enter upon, use, or damage the surface of the lands  
8 or interfere with the use of the surface by any grantee or  
9 by the grantee's successor or assignees.

10 (2) Conduct any mining activities of any nature  
11 whatsoever above a plane located 500 feet below the  
12 surface of the lands without the prior written permission  
13 of any grantee of the lands or the grantee's successors or  
14 assigns.

15 SEC. 6. (a) (1) Notwithstanding the provisions of  
16 the granting act, the existing child care center on trust  
17 lands within the NTC Property, which was constructed  
18 for nontrust purposes during the period of federal  
19 ownership and is incapable of being devoted to public  
20 trust purposes, may be used for such nontrust purposes  
21 for the remaining useful life of such building. The city and  
22 the commission, by agreement, shall establish the  
23 remaining useful life of the child care center, provided  
24 that in no case shall the useful life of the child care center  
25 be deemed to extend less than 15 years or more than 40  
26 years from the effective date of this act.

27 (2) The maintenance, repair, or, in the event of a flood,  
28 fire, or similar disaster, partial reconstruction of the child  
29 care center, and any structural or other alterations  
30 necessary to bring the child care center into compliance  
31 with applicable federal, state, and local health and safety  
32 standards, including, but not limited to, seismic  
33 upgrading, shall be permitted, provided those activities  
34 will not enlarge the footprint or the size of the shell of the  
35 child care center.

36 SEC. 7. All moneys arising out of the use or operation  
37 of any lands on the NTC Property subject to the public  
38 trust, including all revenues derived from leases, permits,  
39 franchises, privileges, licenses, easements, and the rights  
40 to use or occupy the trust lands, collected by the city as

1 *to public trust lands within the City NTC Property, or the*  
2 *port, as to the port expansion area, shall be maintained in*  
3 *a fund separate from the city's or port's general revenues.*  
4 *The money in or belonging to that fund may be used only*  
5 *for uses and purposes consistent with the public trust for*  
6 *navigation, commerce, and fisheries, the granting act,*  
7 *and this act.*

8 *SEC. 8. The state reserves the right to amend, modify,*  
9 *or revoke any and all rights to the lands granted to the*  
10 *City pursuant to Chapter 700 of the Statutes of 1911.*

11 *SEC. 9. The following diagram is hereby made a part*  
12 *of this act:*

1 PRINTER: PLEASE NOTE: TIP-IN MATERIAL TO BE  
2 INSERTED  
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2 *SEC. 10. The commission, the city, and the port shall*  
3 *work expeditiously toward completing the land exchange*  
4 *directed by this act.*

5 *SEC. 11. The Legislature finds and declares that,*  
6 *because of the unique circumstances applicable only to*  
7 *the lands within the City of San Diego described in this*  
8 *act, relating to the closure of the Naval Training Center,*  
9 *San Diego, a statute of general applicability cannot be*  
10 *enacted within the meaning of subdivision (b) of Section*  
11 *16 of Article IV of the California Constitution. Therefore,*  
12 *this special statute is necessary.*

13 ~~the following:~~

14 ~~(a) The State of California has not undertaken a~~  
15 ~~comprehensive statewide vehicle license plate~~  
16 ~~replacement program since 1963.~~

17 ~~(b) Since 1963, 48 states have undertaken~~  
18 ~~comprehensive statewide vehicle license plate~~  
19 ~~replacement programs.~~

20 ~~(c) At least 20 states regularly replace license plates,~~  
21 ~~with newly designed license plates, in cycles ranging from~~  
22 ~~three years to seven years, thereby facilitating the~~  
23 ~~identification of vehicles that are not currently~~  
24 ~~registered.~~

25 ~~(d) Between 4 and 8 percent of California motorists~~  
26 ~~are currently not in compliance with vehicle registration~~  
27 ~~requirements.~~

28 ~~(e) A comprehensive statewide license plate~~  
29 ~~replacement program would also help clean up~~  
30 ~~California's air, since many vehicles that are currently not~~  
31 ~~registered do not meet California's emission~~  
32 ~~requirements.~~

33 ~~(f) At night, more than half of the license plates on~~  
34 ~~California vehicles are difficult to read, thereby making~~  
35 ~~it difficult to identify vehicles used in the commission of~~  
36 ~~criminal acts.~~

37 ~~SEC. 2. Section 4850 of the Vehicle Code is amended~~  
38 ~~to read:~~

39 ~~4850. (a) The department, upon registering a~~  
40 ~~vehicle, shall issue to the owner two partially or fully~~

~~1 reflectorized license plates or devices for a motor vehicle,  
2 other than a motoreyele, and one partially or fully  
3 reflectorized license plate or device for all other vehicles  
4 required to be registered under this code. The plates or  
5 devices shall identify the vehicles for which they are  
6 issued for the period of their validity.~~

~~7 (b) Notwithstanding any other provision of law and  
8 except as provided in Section 4850.1, no contract shall be  
9 let to any nongovernmental entity for the purchase or  
10 securing of reflectorized material for the plates, unless  
11 the department has made every reasonable effort to  
12 secure qualified bids from as many independent,  
13 responsible bidders as possible. No contract shall be let to  
14 any nongovernmental entity for the manufacturing of  
15 reflectorized safety license plates.~~

~~16 (c) Except as provided in Section 4850.2, in addition  
17 to any other fees specified in this code, a fee of one dollar  
18 (\$1) for reflectorization shall be paid only by those  
19 vehicle owners receiving license plates or devices under  
20 this section.~~

~~21 (d) This section shall be known as the Schrade-Belotti  
22 Act.~~

~~23 SEC. 3. Section 4850.1 is added to the Vehicle Code,  
24 to read:~~

~~25 4850.1. (a) The department shall issue two newly  
26 designed and fully reflectorized license plates for each  
27 motor vehicle, other than a motoreyele, and one newly  
28 designed and fully reflectorized license plate for all other  
29 vehicles required to register or seeking renewal of  
30 registration under this code.~~

~~31 (b) Except as provided in subdivision (c) and in  
32 Section 4850.2, no person, after January 1, 2005, shall  
33 drive, move, or leave standing upon a highway, or in an  
34 offstreet parking facility, as defined in Section 4000, any  
35 vehicle required to be registered under this code that  
36 does not display license plates described in this section.~~

~~37 (c) Subdivisions (a) and (b) do not apply to special  
38 license plates, motorized bicycles special license plates,  
39 historic and special interest license plates, special interest~~

~~license plates, and environmental license plates issued under this division.~~

~~(d) (1) The costs incurred by the department in issuing license plates pursuant to this section shall initially be funded by an appropriation from the Motor Vehicle Account in the State Transportation Fund.~~

~~(2) The Prison Industry Board, as the department's vendor, shall not accept any bid for the reflectorized materials necessary to manufacture license plates for the purposes of this section unless the bidder submits a bid that provides for the repayment of the appropriation made pursuant to paragraph (1) to be entirely from fees collected by the department from the issuance of license plates described in this section that are in excess of the department's estimate of the amount of fees that would have been collected without the enactment of this section. Any eligible bid for the reflectorized materials shall provide that, if the excess fees are insufficient to repay the amount of the appropriation described in paragraph (1) by January 1, 2010, the bidder shall repay the outstanding balance to the Motor Vehicle Account in the State Transportation Fund.~~

~~(3) At least three competitive bids meeting specifications from independent responsible bidders shall be received prior to the posting of an award for the contract for the reflectorized material for the plates. In the event three bids are not received, the procurement shall be rebid. If upon the rebid, those bids are not received, the contract may be awarded to the lowest responsible bidder meeting specifications pursuant to Section 10340 of the Public Contract Code, which shall apply to the rebid.~~

~~(4) The department, in consultation with the Department of Finance, shall report on or before January 10 of each year, to and including January 10, 2010, to the Joint Legislative Budget Committee and to each fiscal committee of the Legislature regarding the financial benefits resulting from the issuance of the license plates described in subdivision (a) to the Motor Vehicle Account in the State Transportation Fund and the Motor~~

~~1 Vehicle License Fee Account in the Transportation Tax  
2 Fund.~~

~~3 SEC. 4. Section 4850.2 is added to the Vehicle Code,  
4 to read:~~

~~5 4850.2. (a) An owner of any vehicle that has been  
6 issued, prior to January 1, 2000, regular series license  
7 plates on his or her vehicle may, after the requirements  
8 for the registration of the vehicle have been complied  
9 with and with the approval of the department, continue  
10 to utilize those license plates, if the license plate is legible,  
11 as determined by the department, in lieu of the license  
12 plates otherwise required by Section 4850.1.~~

~~13 (b) A fee of thirty five dollars (\$35) shall be charged  
14 for the application for the use of the plates described in  
15 subdivision (a).~~

~~16 SEC. 5. Section 9566 is added to the Vehicle Code, to  
17 read:~~

~~18 9566. (a) The department shall establish an amnesty  
19 period of one year commencing on July 1, 2000, to June  
20 30, 2001, inclusive, during which period any vehicle  
21 required to be registered under this code may be  
22 registered without payment of any penalty that is due for  
23 late payment of registration renewal fees if those fees  
24 were required to be paid prior to September 1, 1999. The  
25 department shall prepare and disseminate a public  
26 information program on this amnesty period.~~

~~27 (b) This section shall remain in effect only until  
28 January 1, 2002, and as of that date is repealed, unless a  
29 later enacted statute, that is enacted before January 1,  
30 2002, deletes or extends that date.~~

~~31 SEC. 6. No reimbursement is required by this act  
32 pursuant to Section 6 of Article XIII B of the California  
33 Constitution because the only costs that may be incurred  
34 by a local agency or school district will be incurred  
35 because this act creates a new crime or infraction,  
36 eliminates a crime or infraction, or changes the penalty  
37 for a crime or infraction, within the meaning of Section  
38 17556 of the Government Code, or changes the definition  
39 of a crime within the meaning of Section 6 of Article  
40 XIII B of the California Constitution.~~

1    ~~SEC. 7. The sum of two hundred seventy-five~~  
2    ~~thousand four hundred twenty-nine dollars (\$275,429) is~~  
3    ~~hereby appropriated from the Motor Vehicle Account in~~  
4    ~~the State Transportation Fund to the Department of~~  
5    ~~Motor Vehicles for purposes of this act.~~

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